

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:05CR537
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
v.)	GOVERNMENT'S NOTICE
)	OF RESPONSE TO DEFENDANT'S
MARLON L. BROOKS,)	<u>REQUEST FOR DISCOVERY</u>
)	
Defendant.)	

Now comes the United States of America, by and through its counsel, Gregory A. White, United States Attorney, and Blas E. Serrano, Assistant United States Attorney, and responds to defendant's request for discovery under Federal Criminal Rule 16, as follows:

I. DISCOVERABLE MATERIAL

(a) (1) (A) and (B) - Defendant did not make any statements to law enforcement agents at the time of his arrest. A statement made by the defendant during the investigation of this case is being mailed under separate cover.

(a) (1) (D) - A copy of the printout containing the defendant's criminal record is being mailed under separate cover.

(a) (1) (E) and (F) - The government will make available for inspection, copying, and photographing the items listed in Rule 16(a) (1) (E), documents and tangible objects. Mailed under a separate cover is a search warrant executed in premises occupied by the defendant. Also mailed under a separate cover is an inventory in relation to the search.

(a) (1) (F) and (G) - Enclosed are copies of laboratory reports of controlled substances seized during the investigation of this case and applicable to this defendant.

The government does not anticipate the use of evidence pursuant to Rule 404(b) of the Federal Rules of Criminal Procedure. In the event that any evidence of this nature is discovered during the pendency of this case, the government will notify defense counsel of the intended use under Rule 404(b) with sufficient time for the defense to prepare for trial.

The attorney for the government has no knowledge of exculpatory evidence material to guilt or innocence of the defendant. The government will notify defense counsel of any exculpatory material discovered, if any, immediately upon such discovery in compliance with Brady v. Maryland. Other requests

made are outside the scope of discovery under Rule 16 of the Federal Rules of Criminal Procedure and legal precedents.

Respectfully submitted,

GREGORY A. WHITE
United States Attorney

By: s/ Blas E. Serrano
Blas E. Serrano
Assistant U.S. Attorney
Reg. No. 0009879
400 United States Court House
801 West Superior Avenue
Cleveland, Ohio 44113
(216) 622-3873 (phone)
(216) 522-7499 (facsimile)
Blas.Serrano@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of December 2005, a copy of the foregoing Government's Notice of Response to Defendant's Request for Discovery was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

s/ Blas E. Serrano
Blas E. Serrano
Assistant U.S. Attorney